

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
BRANDON CASUTT,
Defendant.

2:20-CR-231-APG-NJK

Amended Final Order of Forfeiture

The United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture under Fed. R. Crim. P. 32.2(b)(1) and (b)(2); 18 U.S.C. § 981(a)(1)(A) with 28 U.S.C. § 2461(c); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(1); and 21 U.S.C. § 853(p) based upon the plea of guilty by Brandon Casutt to the criminal offenses, forfeiting the property and imposing in personam criminal forfeiture money judgments set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment and shown by the United States to have the requisite nexus to the offenses to which Brandon Casutt pled guilty. Criminal Indictment, ECF No. 12; Change of Plea, ECF No. 151; Plea Agreement, ECF Nos. 152, 154; Preliminary Order of Forfeiture, ECF No. 156.

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

The in personam criminal forfeiture money judgment amounts of \$509,675 for wire fraud and \$359,900 for concealment money laundering comply with *United States v. Lo*, 839 F.3d 777 (9th Cir. 2016); *Honeycutt v. United States*, 581 U.S. 443 (2017); *United States v.*

1 *Thompson*, 990 F.3d 680 (9th Cir. 2021); and *United States v. Prasad*, 18 F.4th 313 (9th Cir.
2 2021).

3 This Court finds the United States published the notice of forfeiture in accordance
4 with the law via the official government internet forfeiture site, www.forfeiture.gov,
5 consecutively from October 21, 2022, through November 19, 2022, notifying all potential
6 third parties of their right to petition the Court. Notice of Filing Proof of Publication
7 Exhibits, ECF No. 165-1, p. 5.

8 This Court finds the United States notified known third parties by personal service or
9 by regular mail and certified mail return receipt requested of their right to petition the Court.
10 Notice of Filing Service of Process – Mailing, ECF No. 164; Notice of Filing Service of
11 Process – Additional Mailing, ECF No. 168; Notice of Filing Service of Process – Personal
12 Service, ECF No. 174.

13 On November 3, 2022, the United States Attorney’s Office served Cross River Bank,
14 Attn: Legal Department, at 400 Kelby St. by regular and certified return receipt mail with
15 the Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process –
16 Mailing, ECF No. 164-1, p. 3-16. Cross River Bank had actual notice.

17 On November 3, 2022, the United States Attorney’s Office served Cross River Bank,
18 Attn: Legal Department, at 2115 Linwood Ave. by regular and certified return receipt mail
19 with the Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process
– Mailing, ECF No. 164-1, p. 3-13, 17-18. Cross River Bank had actual notice.

21 On November 3, 2022, the United States Attorney’s Office served Debra March, City
22 of Henderson Mayor, by regular and certified return receipt mail with the Preliminary Order
23 of Forfeiture and the Notice. Notice of Filing Service of Process – Mailing, ECF No. 164-1,
24 p. 3-13, 19-20.

25 On November 3, 2022, the United States Attorney’s Office served Skyler’s C. F.
26 Foundation, Inc., c/o Seann T. Spradling, Secretary, at High Ridge, MO, by regular and
27 certified return receipt mail with the Preliminary Order of Forfeiture and the Notice. Notice
28 of Filing Service of Process – Mailing, ECF No. 164-1, p. 3-13, 21-22.

1 On November 3, 2022, the United States Attorney's Office served and attempted to
2 serve Skyler's C. F. Foundation, Inc., c/o Seann T. Spradling, Secretary, at Imperial, MA,
3 by regular and certified return receipt mail with the Preliminary Order of Forfeiture and the
4 Notice. The certified mail was not delivered. The regular mailing was not returned. Notice
5 of Filing Service of Process – Mailing, ECF No. 164-1, p. 3-13, 23-25.

6 On November 3, 2022, the United States Attorney's Office served Small Business
7 Administration, c/o Legal Department, by regular and certified return receipt mail with the
8 Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process –
9 Mailing, ECF No. 164-1, p. 3-13, 26-28.

10 On December 14, 2022, the United States Attorney's Office served Zachary Casutt at
11 3036 Woodland Pine Dr. by regular and certified return receipt mail with the Preliminary
12 Order of Forfeiture and the Notice. Notice of Filing Service of Process – Additional
13 Mailing, ECF No. 168-1, p. 3-16.

14 On December 14, 2022, the United States Attorney's Office served and attempted to
15 serve Zachary Casutt at 10309 Toasted Acorn Dr. by regular and certified return receipt
16 mail with the Preliminary Order of Forfeiture and the Notice. The certified mail was
17 returned unclaimed and unable to forward. The regular mail was not returned. Notice of
18 Filing Service of Process – Additional Mailing, ECF No. 168-1, p. 3-13, 17-19.

19 On December 14, 2022, the United States Attorney's Office attempted to serve
20 Zachary Casutt at 4175 Cameron St., Ste C, by regular and certified return receipt mail with
21 the Preliminary Order of Forfeiture and the Notice. Both mailings were returned as
22 attempted, not known and unable to forward. Notice of Filing Service of Process –
23 Additional Mailing, ECF No. 168-1, p. 3-13, 20-22.

24 On December 14, 2022, the United States Attorney's Office served and attempted to
25 serve Zachary Casutt at 10108 Sunset Palisades Way, Unit 102, by regular and certified
26 return receipt mail with the Preliminary Order of Forfeiture and the Notice. The certified
27 mail was returned as insufficient address and unable to forward. The regular mail was not
28 // /

1 returned. Notice of Filing Service of Process – Additional Mailing, ECF No. 168-1, p. 3-13,
2 23-25.

3 On December 14, 2022, the United States Attorney's Office attempted to serve
4 Zachary Casutt at 45 Maleena Mesa St., Apt. 1122, by regular and certified return receipt
5 mail with the Preliminary Order of Forfeiture and the Notice. Both mailings were returned
6 as not deliverable as addressed and unable to forward. Notice of Filing Service of Process –
7 Additional Mailing, ECF No. 168-1, p. 3-13, 26-28.

8 On December 14, 2022, the United States Attorney's Office served and attempted to
9 serve Zachary Casutt at 5727 Christchurch Ave. by regular and certified return receipt mail
10 with the Preliminary Order of Forfeiture and the Notice. The certified mail was returned to
11 sender. The regular mail has not returned. Notice of Filing Service of Process – Additional
12 Mailing, ECF No. 168-1, p. 3-13, 29-32.

13 On October 26, 2022, the Internal Revenue Service-CI personally served The Village
14 of Silver Springs Community Association with copies of the Preliminary Order of Forfeiture
15 and the Notice. Service was accepted by Brandon Wood, Chief Legal Officer. Notice of
16 Filing Service of Process – Personal Service, ECF No. 174-1, p. 3, 39-49.

17 On October 27, 2022, the Internal Revenue Service-CI personally served The Village
18 of Silver Springs Community Association, c/o Jon Copeland, President, with copies of the
19 Preliminary Order of Forfeiture and the Notice. Service was accepted by Isabella Ruff,
20 Supervising Community Manager. Notice of Filing Service of Process – Personal Service,
21 ECF No. 174-1, p. 4, 39-49.

22 On October 27, 2022, the Internal Revenue Service-CI personally served The Village
23 of Silver Springs Community Association, c/o Jonathan Jorgenson, with copies of the
24 Preliminary Order of Forfeiture and the Notice. Service was accepted by Isabella Ruff,
25 Supervising Community Manager. Notice of Filing Service of Process – Personal Service,
26 ECF No. 174-1, p. 5, 39-49.

27 On October 27, 2022, the Internal Revenue Service-CI personally served The Village
28 of Silver Springs Community Association, c/o Scott Wilcox, Treasurer, with copies of the

1 Preliminary Order of Forfeiture and the Notice. Service was accepted by Isabella Ruff,
2 Supervising Community Manager. Notice of Filing Service of Process – Personal Service,
3 ECF No. 174-1, p. 6, 39-49.

4 On October 27, 2022, the Internal Revenue Service-CI personally served The Village
5 of Silver Springs Association, c/o Taylor Association Management, Registered Agent, with
6 copies of the Preliminary Order of Forfeiture and the Notice. Service was accepted by
7 Joseph Venture, Office Manager. Notice of Filing Service of Process – Personal Service,
8 ECF No. 174-1, p. 7, 39-49.

9 On November 4, 2022, the Internal Revenue Service-CI personally served Steve B.
10 Wolfson, Clark County District Attorney, with copies of the Preliminary Order of
11 Forfeiture and the Notice. Service was accepted by Bailey Brighthill, Office Specialist.
12 Notice of Filing Service of Process – Personal Service, ECF No. 174-1, p. 8, 39-49.

13 On November 8, 2022, the Internal Revenue Service-CI personally served Debbie
14 Conway, Clark County Recorder, with copies of the Preliminary Order of Forfeiture and
15 the Notice. Service was accepted by Birtha Gariano, Public Services Specialist. Notice of
16 Filing Service of Process – Personal Service, ECF No. 174-1, p. 9, 39-49.

17 On November 8, 2022, the Internal Revenue Service-CI personally served John
18 Entsminger, General Manager, Southern Nevada Water Authority, with copies of the
19 Preliminary Order of Forfeiture and the Notice. Service was accepted by Daisy
20 Hammersley, Legal Secretary. Notice of Filing Service of Process – Personal Service, ECF
21 No. 174-1, p. 10, 39-49.

22 On November 8, 2022, the Internal Revenue Service-CI personally served Laura B.
23 Fitzpatrick, Clark County Treasurer, with copies of the Preliminary Order of Forfeiture and
24 the Notice. Service was accepted by Birtha Gariano, Public Services Specialist. Notice of
25 Filing Service of Process – Personal Service, ECF No. 174-1, p. 11, 39-49.

26 On November 8, 2022, the Internal Revenue Service-CI personally served Lynn
27 Goya, Clark County Clerk, Clark County Water Reclamation Dist., Commission Division,
28 with copies of the Preliminary Order of Forfeiture and the Notice. Service was accepted by

1 Birtha Gariano, Public Services Specialist. Notice of Filing Service of Process – Personal
2 Service, ECF No. 174-1, p. 12, 39-49.

3 On November 8, 2022, the Internal Revenue Service-CI personally served Lynn
4 Goya, Clark County Clerk, Commission Division, with copies of the Preliminary Order of
5 Forfeiture and the Notice. Service was accepted by Birtha Gariano, Public Services
6 Specialist. Notice of Filing Service of Process – Personal Service, ECF No. 174-1, p. 13, 39-
7 49.

8 On November 8, 2022, the Internal Revenue Service-CI personally served Lynn
9 Goya, Clark County Clerk, Clark County Board of Commissioners, Commission Division,
10 with copies of the Preliminary Order of Forfeiture and the Notice. Service was accepted by
11 Birtha Gariano, Public Services Specialist. Notice of Filing Service of Process – Personal
12 Service, ECF No. 174-1, p. 14, 39-49.

13 On November 8, 2022, the Internal Revenue Service-CI personally served Briana
14 Johnson, Clark County Assessor, with copies of the Preliminary Order of Forfeiture and the
15 Notice. Service was accepted by Birtha Gariano, Public Services Specialist. Notice of Filing
16 Service of Process – Personal Service, ECF No. 174-1, p. 15, 39-49.

17 On November 8, 2022, the Internal Revenue Service-CI personally served Marilyn
18 Kirkpatrick, Commissioner & Chairperson with copies of the Preliminary Order of
19 Forfeiture and the Notice. Service was accepted by Birtha Gariano, Public Services
20 Specialist. Notice of Filing Service of Process – Personal Service, ECF No. 174-1, p. 16, 39-
21 49.

22 On November 8, 2022, the Internal Revenue Service-CI personally served Gregory J.
23 Walch, General Counsel, Southern Nevada Water Authority, with copies of the
24 Preliminary Order of Forfeiture and the Notice. Service was accepted by Daisy
25 Hammersley, Legal Secretary. Notice of Filing Service of Process – Personal Service, ECF
26 No. 174-1, p. 17, 39-49.

27 On November 9, 2022, the Internal Revenue Service-CI personally served Small
28 Business Administration, c/o Saul Ramos, Director, with copies of the Preliminary Order of

1 Forfeiture and the Notice. Notice of Filing Service of Process – Personal Service, ECF No.
2 174-1, p. 18, 39-49.

3 On November 10, 2022, the Internal Revenue Service-CI personally served Debra
4 March, City of Henderson Mayor, with copies of the Preliminary Order of Forfeiture and
5 the Notice. Service was accepted by Amy Johnson, Manager. Notice of Filing Service of
6 Process – Personal Service, ECF No. 174-1, p. 19, 39-49.

7 On November 10, 2022, the Internal Revenue Service-CI personally served Priscilla
8 E. Howell, Director of Utility Services, with copies of the Preliminary Order of Forfeiture
9 and the Notice. Service was accepted by Amy Johnson, Manager. Notice of Filing Service
10 of Process – Personal Service, ECF No. 174-1, p. 20, 39-49.

11 On November 10, 2022, the Internal Revenue Service-CI personally served Jose Luis
12 Valdez, City of Henderson Clerk, with copies of the Preliminary Order of Forfeiture and the
13 Notice. Service was accepted by Amy Johnson, Manager. Notice of Filing Service of
14 Process – Personal Service, ECF No. 174-1, p. 21, 39-49.

15 On November 10, 2022, the Internal Revenue Service-CI personally served Nicholas
16 Vaskov, City of Henderson Attorney, with copies of the Preliminary Order of Forfeiture and
17 the Notice. Service was accepted by Michael Oh, Assistant City Attorney. Notice of Filing
18 Service of Process – Personal Service, ECF No. 174-1, p. 22, 39-49.

19 On November 15, 2022, the Internal Revenue Service-CI personally served Mandi
20 Casutt with copies of the Preliminary Order of Forfeiture and the Notice. Notice of Filing
21 Service of Process – Personal Service, ECF No. 174-1, p. 23, 39-49.

22 On November 15, 2022, the Internal Revenue Service-CI personally served Mitchell
23 Casutt with copies of the Preliminary Order of Forfeiture and the Notice. Notice of Filing
24 Service of Process – Personal Service, ECF No. 174-1, p. 24, 39-49.

25 On November 15, 2022, the Internal Revenue Service-CI personally served Nana
26 Casutt with copies of the Preliminary Order of Forfeiture and the Notice. Service was
27 accepted by Brandon Casutt. Notice of Filing Service of Process – Personal Service, ECF
28 No. 174-1, p. 25, 39-49.

1 On November 15, 2022, the Internal Revenue Service-CI personally served Sky
2 Design c/o Brandon Casutt with copies of the Preliminary Order of Forfeiture and the
3 Notice. Notice of Filing Service of Process – Personal Service, ECF No. 174-1, p. 26, 39-49.

4 On November 15, 2022, the Internal Revenue Service-CI personally served Sky
5 Design c/o Nana Casutt with copies of the Preliminary Order of Forfeiture and the Notice.
6 Service was accepted by Brandon Casutt. Notice of Filing Service of Process – Personal
7 Service, ECF No. 174-1, p. 27, 39-49.

8 On November 15, 2022, the Internal Revenue Service-CI personally served Skyler's
9 C.F. Foundation, Inc., c/o Brandon J. Casutt, Registered Agent, with copies of the
10 Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process –
11 Personal Service, ECF No. 174-1, p. 28-29, 39-49.

12 On November 15, 2022, the Internal Revenue Service-CI personally served Skyler's
13 C.F. Foundation, Inc., c/o Mitchell Kent Casutt, President, with copies of the Preliminary
14 Order of Forfeiture and the Notice. Notice of Filing Service of Process – Personal Service,
15 ECF No. 174-1, p. 30, 39-49.

16 On November 15, 2022, the Internal Revenue Service-CI personally served Skyler's
17 C.F. Foundation, Inc., c/o Nana Casutt, Director, with copies of the Preliminary Order of
18 Forfeiture and the Notice. Service was accepted by Brandon Casutt. Notice of Filing Service
19 of Process – Personal Service, ECF No. 174-1, p. 31, 39-49.

20 On November 23, 2022, the Internal Revenue Service-CI personally served Skyler's
21 C.F. Foundation, Inc., c/o Seann T. Spradling, Secretary, with copies of the Preliminary
22 Order of Forfeiture and the Notice. Notice of Filing Service of Process – Personal Service,
23 ECF No. 174-1, p. 32, 39-49.

24 The Internal Revenue Service-CI attempted to personally serve Skyler's C.F.
25 Foundation Inc., c/o Zachary B. Casutt, Director, with copies of the Preliminary Order of
26 Forfeiture and the Notice. They were unable to locate him. Notice of Filing Service of
27 Process – Personal Service, ECF No. 174-1, p. 34-35, 39-49.

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The Internal Revenue Service-CI attempted to personally serve Zachary Casutt with copies of the Preliminary Order of Forfeiture and the Notice. They were unable to locate him. Notice of Filing Service of Process – Personal Service, ECF No. 174-1, p. 36-49.

This Court finds no petition was filed herein by or on behalf of any person or entity and the time for filing such petitions and claims has expired.

This Court finds no petitions are pending regarding the property named herein and the time has expired for presenting such petitions.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all possessory rights, ownership rights, and all rights, titles, and interests in the property hereinafter described are condemned, forfeited, and vested in the United States:

1. \$8,076.60;
2. \$10,794.58;
3. \$59,965;
4. \$11,600.43; and
5. 1924 Coralino Drive, Henderson, Nevada 89074, more particularly described as:

PARCEL I:

LOT TWO (2) IN BLOCK TWO (2) OF SILVER MILL – PHASE 1, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 47 OF PLATS, PAGE 8, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PARCEL II:

NON-EXCLUSIVE EASEMENTS FOR ACCESS, INGRESS, EGRESS, AND SUCH OTHER PURPOSES AS ARE REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF SAID LAND, AS THE SAME ARE SET FORTH IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED NOVEMBER 25, 1987 IN BOOK 871125 OF OFFICIAL RECORDS AS DOCUMENT NO. 00480 AND AS THE SAME ARE SUBSEQUENTLY AMENDED FROM TIME TO TIME, AND ALL IMPROVEMENTS AND APPURTENANCES THEREON, APN: 178-17-514-002

(all of which constitutes property); and

that the United States recover from Brandon Casutt the in personam criminal forfeiture money judgments of \$509,675 for wire fraud and \$359,900 for concealment

1 money laundering with the total collected money judgment amount not to exceed \$509,675
2 under the forfeiture statutes, and the property will be applied toward the payment of the
3 money judgments; and

4 the forfeiture of the money judgments and the property is imposed under Fed. R.
5 Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. § 981(a)(1)(A)
6 with 28 U.S.C. § 2461(c); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. §
7 982(a)(1); and 21 U.S.C. § 853(n)(7) and 853(p); that the money judgments shall be
8 collected; and that the property and the collected amount shall be disposed of according to
9 law.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that under Fed. R.
11 Crim. P. 32.2(c) and 21 U.S.C. § 853(n)(7), all possessory rights, ownership rights, and all
12 rights, titles, and interests in the real property are extinguished and are not recognized for
13 the following individuals and entities:

- 14 1. Skyler's C. F. Foundation, Inc., and all officers including Brandon Casutt,
15 Mitchell Kent Casutt, Nana Casutt, Seann T. Spradling, and Zachary Casutt;
- 16 2. The Casutt family, including Brandon Casutt, Nana Casutt, Zachary Casutt,
17 Madi Casutt, and Mitchell Casutt;
- 18 3. The Village of Silver Springs Community Association;
- 19 4. City of Henderson, including City of Henderson Mayor, City of Henderson
20 Utility Services, City of Henderson Clerk, and City of Henderson Attorney;
- 21 5. Clark County, Nevada, including the following offices and officers, Clark County
22 District Attorney, Clark County Treasurer, Clark County Recorder, Clark
23 County Clerk, Clark County Water District, Clark County Commissioner, Clark
24 County Board of Commissioners, and Clark County Assessor;
- 25 6. Sky Design;
- 26 7. Cross River Bank;
- 27 8. Small Business Administration; and
- 28 9. Southern Nevada Water Authority.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United
2 States may market the property notwithstanding Skyler C. F. Foundation's name on the
3 deed and the title company shall provide clear title on behalf of the United States for the sale
4 of the forfeited property.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
6 forfeited funds, including but not limited to, currency, currency equivalents, certificates of
7 deposit, as well as any income derived as a result of the government's management of any
8 property forfeited herein, and the proceeds from the sale of any forfeited property shall be
9 disposed of according to law.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
11 copies of this Order to all counsel of record and three certified copies to the United States
12 Attorney's Office, Attention Asset Forfeiture Unit.

13 DATED October 30, 2023.

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16 ANDREW P. GORDON
17 UNITED STATES DISTRICT JUDGE
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